(9)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

W.P. No. 2925 /2003.

PETITIONER : Vijay Kumar Choubey s/o Shri Jokhan Choubey, age 48 years, Block Education Officer, Sitapur, District Surguja, C.G.

V E R S U S

RESPONDENTS : 1. The State of Chhattisgarh, through Secretary, Tribal Development Department, D.K.S. Bhawan, Raipur, C.G.

2. Deputy Secretary, Tribal & Scheduled Caste Development Department, D.K.S. Bhawan, Raipur, C.G.

3. Assistant Commissioner, Tribal Development Department, Ambikapur, District Surguja, C.G.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

आदेश पत्रक

मामला क्रमांक WP 2925/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-9-2003 Shri A.K. Prasad, counsel for the petitioner. By this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has challenged the order dated 21-7-2003 by which he has been transferred from Sitapur to Ambikapur. The petitioner's petition is that he is working as Block Education Officer at Sitapur, District Sarguja and vide order dated 21-7-2003 he has been transferred from Sitapur to Ambikapur. Earlier also in the year 2002 the petitioner was transferred to Wadrafnagar by the order dated 5-8-2002, but the petitioner was not relieved by the higher authorities and he is still working in that capacity as Block Education Offricer at Sitapur and the petitioner has been transferred vide impugned order dated 21-7-2003 in the mid session when his school going son is studying in class-10th, therefore, the transfer order be quashed. The learned counsel for the petitioner submits that the petitioner's son is studying at Sitapur and in the mid session his transfer has been effected. It is well settled that the transfer is the incident of service and the transfer can be challenged only against the malafides or any statutory rules. The petitioner has not been able to make out any case that he has been transferred on malafide ground. The only ground is that his son is studying at Sitapur that cannot be made ground for judicial review of administrative order.	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक..... सन् 200

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

The learned counsel for the petitioner further submits that the petitioner may be allowed to make a representation before respondent No.2 raising his difficulties and inconvenience.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation before respondent No.2 within a period of 10 days raising all his grievances and from the date of receipt of the representation respondent No.2 shall decide the representation within a period of 40 days.

The writ petition is disposed of accordingly.

Consequently, M.(W.)P. No. 2681/2003 and I.A. No. 8721/2003 also stand disposed of.

Parties are entitled for the certified copy of the order.

Sd/-
L.C. Bhadoo
Judge

Barmel

[पीछे देखिये